

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE BANK OF NEW YORK,

Plaintiff,

v.

TYCO INTERNATIONAL GROUP S.A., TYCO
INTERNATIONAL LTD., and TYCO
INTERNATIONAL FINANCE S.A.,

Defendants.
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:
: 07 Civ. 4659 (SAS)

:
: ECF Case

: **NOTICE OF CROSS-MOTION**
: **FOR SUMMARY JUDGMENT**

:
: Oral Argument Requested
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PLEASE TAKE NOTICE that, upon the accompanying Declaration of John Jenkins, dated January 10, 2008, and the exhibits thereto, Defendants' Local Rule 56.1 Statement of Material Facts as to Which There is No Genuine Issue To Be Tried, the accompanying Memorandum of Law, dated January 11, 2007, and all prior papers and proceedings had herein, Defendants Tyco International Ltd., Tyco International Group S.A., and Tyco International Finance S.A. will move this Court, before the Honorable Shira A. Scheindlin, at a date and time to be determined by the Court, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure (1) granting Defendants summary judgment and entering judgment in favor of Defendants, and (2) granting such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that Defendants respectfully request that the Court hold oral argument on this motion.

Dated: New York, New York
January 11, 2008

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Marshall R. King
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